

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,

*Plaintiff,*

v.

Texas Instruments, Inc. et al.,

*Defendants.*

§  
§  
§  
§

Case No. 6:12-cv-499-MHS

Lead Case

Jury Trial Demanded

**BLUE SPIKE'S NOTICE OF UNTIMELINESS  
WITH RESPECT TO VOBILE'S MOTION TO DISMISS [DKT. 1262]**

Plaintiff Blue Spike, LLC hereby provides notice to the Court that Vobile failed to timely reurge its motion to dismiss for lack of personal jurisdiction and improper venue. Dkt. No. 1262. Vobile originally filed its motion in Case No. 6:12-539-LED, dkt. no. 14. In the Court's consolidation order, the Court ordered defendants to timely reurge their motions in the lead case, Case No. 6:12-499. *See* Dkt. No. 530. The majority of defendants did so in the lead case over a year ago. In fact, the Court's Order dated September 25, 2013 denied Blue Spike's request for jurisdictional discovery to Vobile's motion to dismiss because Vobile had failed to timely reurge its motion in the lead case. *See* Dkt. 1000 ("Vobile did not reurge its motion to dismiss for lack of personal jurisdiction as ordered by the Court in its Order of Consolidation (Doc. No. 530). Thus, the Motion is no longer before the Court.").

Accordingly, Blue Spike respectfully requests that the Court deny as untimely Vobile's motion to dismiss for lack of personal jurisdiction and improper venue (dkt. no. 1262) that it should have refiled over a year ago, and at the latest, within days of the Court's September 25, 2013 order (dkt. no. 1000). Alternatively, Blue Spike requests that

it be allowed to obtain the jurisdictional relief it previously requested—but the Court denied as moot—in order to properly respond to Vobile’s motion. Blue Spike will refile its opposition in case the Court chooses to consider Vobile’s motion.

Respectfully submitted,

/s/ Randall T. Garteiser  
Randall T. Garteiser  
Lead Attorney  
Texas Bar No. 24038912  
rgarteiser@ghiplaw.com  
Christopher A. Honea  
Texas Bar No. 24059967  
chonea@ghiplaw.com  
Christopher S. Johns  
Texas Bar No. 24044849  
cjohns@ghiplaw.com  
GARTEISER HONEA, P.C.  
218 North College Avenue  
Tyler, Texas 75702  
(903) 705-0828  
(903) 526-5477 fax

*Counsel for Blue Spike, LLC*

**Certificate of Service**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on March 7, 2014.

/s/ Randall Garteiser  
Randall T. Garteiser